

Applicant : Rodney S. Daughtrey
Serial No. : 09/812,224
Filed : March 19, 2001
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Attorney's Docket No.: 09765-012001

Amendments to the Drawings:

The attached replacement sheets of drawings includes changes to Fig. 5A and replaces the original sheet including Fig. 5A

In Figure 5A, reference numeral 130 was moved and reference numeral 129 was added.

In Figure 5C, labels YES and NO were added to decision 154 and 156 respectively, and YES was moved to be closer to decision 156.

Attachments following last page of this Amendment:

Replacement Sheet (8 pages)
Annotated Sheet Showing Change(s) (2 pages)

REMARKS

The above-identified patent application has been amended and reconsideration and reexamination are requested.

The examiner objected to the re-sized drawings. Applicant has enclosed a new set of drawings that comply with margin requirements and are of better quality than those previously submitted. Applicant has amended FIGS. 5A and 5C of these drawings as noted above.

Applicant has amended the specification to include reference designations pertaining to items shown in FIG. 5A; added descriptive material describing decision block 154 shown in FIG. 5C and added labels YES and NO to decisions in FIG. 5C. These changes are fully supported by Applicant's drawings and specification as originally filed. No new matter has been added.

The examiner objected to the claims. Applicant has amended the claims to overcome the objections.

The examiner rejected claims 5-7, and 13 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. Applicant has amended these claims to overcome the rejection.

The examiner rejected claims 1-14 under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Specifically the examiner indicated that the disclosure was not enabling by omitting the computer for rendering the graphical user interface.

Claim 1 as amended recites a user interface for providing a fare summary tool, the user interface displayed on a monitor. The preamble of claim 1 also recites the user interface "comprising" ***. Claim 1 is enabled by applicant's specification. Specifically, Claim 1 is written using the open form "comprising." Since, claim 1 does not preclude other elements, it does not preclude a computer system. However, the actual presence of the computer system is not relevant to distinguish the subject matter of claim 1 over the prior art. Claim 1 is patentable with or without the recitation of the computer system.

The examiner contends that: "A display, by itself is not a user interface in that it is not capable of displaying anything, it is simply a prop." Applicant submits that this contention of the examiner is without import. Claim 1 recites a user interface ... displayed on a monitor. The user

interface can be embodied in various forms, such as a set of computer instructions that render the interface on a monitor, and data produced from execution of instructions which is sent to a monitor for display. Applicant does not claim the display per se, but the physical embodiment of the graphical user interface as rendered on the display or monitor.

Applicant contends that the examiner's reasoning is in error. Just as an electrical amplifier cannot amplify a signal without the signal or power, so too a user interface cannot function without the use of a computing device that processes data from the interface. However, applicants for patents on electrical amplifier circuits are not required to claim the signals or power necessary to make the invention operable, and therefore an applicant for a user interface should not be required to claim a computer, merely to make the user interface operable.

Accordingly, this rejection is improper and should be removed.

The examiner rejected claims 1-14 under 35 U.S.C. 101 because the claimed invention is directed to nonstatutory subject matter. In the body of this rejection, the examiner apparently also rejected claims 15-21 under the same basis.

As amended, claim 1 and its dependent claims are directed to statutory subject matter. Claim 1 explicitly requires an article of manufacture, namely "a user interface for a fare summary tool." Claim 1 requires the user interface to be displayed on a monitor, another article of manufacture. Again, claim 1 is written using the open form "comprising." Therefore, claim 1 encompasses physical elements and does not preclude the presence other elements such as a computer system. However, the actual presence of the computer system is not relevant to distinguish the subject matter of claim 1 over the prior art. Claim 1 is patentable with or without the recitation of the computer system. Accordingly, this rejection is improper and should be removed.

Claim 15, as amended, recites a method for producing a concise summary of fare rules and restrictions that the fare rules place on fares of interest. Again, claim 15 uses the open form "comprises" and does not exclude other elements. Claim 15, by reciting a method, falls into the statutory class of "process" and thus recites statutory subject matter.

Claim 19 recites a computer program product residing on a computer readable medium for producing a rule summary. Again, claim 19 uses the open form of "comprises." Claim 19 is also directed to an article of manufacture namely a computer readable medium. See *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Accordingly, claims 1-21 recite statutory subject matter.

The examiner rejected claims 1 and 19 under 35 U.S.C. 102(b) as being anticipated by the article "Worldspan Accepts Fares Filed Via ATPCO Service" herein after "Worldspan."

At the outset, Applicant traverses the suitability of the Worldspan reference as a proper reference to these claims. Worldspan does not set forth any disclosure suitable to enable a person of ordinary skill in the art to make and use the subject matter of claim 1 or for that matter, the subject matter disclosed in Worldspan. Worldspan is not a proper reference under 35 U.S.C. 102(b).

Worldspan is devoid of any teachings, especially teachings of how one would produce a fare rule summary tool, as claimed. Worldspan also fails to provide any written description of the claimed invention. Worldspan also fails to provide any enablement for the subject matter disclosed therein.

Nevertheless, assuming *arguendo* that Worldspan is an enabling reference, Claims 1-6, 8-9, 12-17 and 19-20 are allowable over Worldspan. Claim 1, for instance, recites a *** user interface for a fare rule summary tool. In claim 1, the user interface includes a fare evaluation result table that displays fare rule summaries for fares in slices of an itinerary. The fare evaluation result table is organized such that a first one of the rows and columns of the table represent fares and a second one of rows and columns of the table represents the fare rule summaries.

These features are neither described nor suggested by Worldspan. The examiner states that Worldspan discloses "automated display of rules and fares." This is the extent of the disclosure in Worldspan. Applicant contends that this disclosure neither describes nor suggests to any person of skill in this art any of the features of Applicant's claim 1, as set out above. Rather, Worldspan merely describes that it uses automated fare rules from ATPCO allowing

users to price fares. Worldspan does not describe any display of fare rule summaries for fares in slices of an itinerary. In addition, Worldspan does not suggest, much less describe, any user interface for a fare summary tool. Worldspan does not suggest any feature of a fare evaluation result table that displays fare rule summaries for fares in slices of an itinerary. Worldspan does not suggest organizing the fare evaluation result table such that a first one of the rows and columns of the table represent fares and a second one of rows and columns of the table represents the fare rule summaries.

Claim 19 is allowable for analogous reasons as claim 1.

The examiner rejected claims 1-6, 8-9, 12-17 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanner, WO 01/59590.

At the outset, Applicant also traverses the suitability of the Tanner reference as an enabling reference to these claims. Tanner does not provide a written description of the claimed subject matter and in the disclosure does not provide a suitable description to enable a person of ordinary skill in the art to make and use the subject matter of claim 1. Tanner is devoid of any teachings of how one would produce a fare rule summary.

Nevertheless, assuming *arguendo* that Tanner is enabling, Claims 1-6, 8-9, 12-17 and 19-20 are allowable over Tanner. Claim 1 for instance recites a *** user interface for a fare summary tool. In claim 1, the user interface includes a fare evaluation result table that displays fare rule summaries for fares in slices of an itinerary. The fare evaluation result table is organized such that a first one of the rows and columns of the table represent fares and a second one of rows and columns of the table represents the fare rule summaries.

These features are neither described nor suggested by Tanner. The examiner relies on Fig.3 to support this rejection. Fig. 3 does not include any of the features of Applicant's claim 1, as set out above. Rather, Fig. 3 merely shows a column labeled "rules." Under the column is a symbol, which may be a control. However, the claim requires *inter alia* that the fare evaluation table displays fare rule summaries for fares in slices of an itinerary. Claim 1 requires the fare evaluation result table to be organized such that one of the rows and columns of the table

represent fares and the other one of rows and columns of the table represents the fare rule summaries. These features are neither described nor suggested by Fig. 3 of Tanner.

According to Tanner on page 13, Fig. 4 shows rules. Fig. 4B of Tanner does not depict a fare evaluation table as recited in claim 1.

Accordingly claim 1 is distinct over Tanner, since Tanner is not a proper reference and since Tanner does not disclose every element of claim 1 arranged as in the claim.

Dependent claims 2-6, 8-9, 12-14 are allowable with claim 1 at least for the reasons discussed in claim 1. Further, these claims add additional distinct features. For example, claim 4 recites that at least one of the columns represents fare combinability restrictions. This is not shown by Tanner. The examiner considers that Tanner discloses fare combinability restrictions by "QBNRHX." However, these are merely booking codes, not a "fare combinability restriction." Claim 5 recites that the fare evaluation result table has the fare rules organized into categories of fare rules and the fare evaluation result table depicts whether or not the categories have a status of pass, fail, or defer for the fares. Tanner does not disclose this feature. The examiner indicates that "AVL" discloses status. However, AVL is "available" and refers to the available net fares (Tanner p. 10) not status.

Claims 6 and 7, which require unique visual indications to display whether the rules pass, fail, or defer, are not suggested by Tanner. The examiner relies on Fig. 3. However, the examiner does not point out where Tanner shows or describes any unique visual indications in Fig. 3. Similarly, claim 8 "the fare evaluation result table depicts the status of the summary, claim 9 "the status of the summary is whether the status is complete, likely complete, partially complete, or missing information" and claim 10 "the status of the summary is represented by a unique visual indication" are not suggested by Tanner.

As for claims 15-17 and 19-20, these are allowable over Tanner generally for reasons discussed above.

Claims 1-6, 8-9, 12-14 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Whitesage, U.S. Patent 5,191,523.

Claims 1-6, 8-9, 12-17 and 19-20 are allowable over Whitesage. Claim 1, for instance, recites a *** user interface for providing a fare summary tool. In claim 1, the user interface includes a fare evaluation result table that displays fare rule summaries for fares in slices of an itinerary. The fare evaluation result table is organized such that a first one of the rows and columns of the table represent fares and a second one of rows and columns of the table represents the fare rule summaries.

Whitesage neither describes nor suggests these features. The examiner relies on Figs.7A and 7B to support this rejection. Figs.7A and 7B, however, display no more than itinerary flight and fare data, not fare rule summaries. Whitesage does not teach the features of Applicant's claim 1, as set out above, e.g., the fare evaluation table that displays fare rule summaries for fares in slices of an itinerary *** .

Accordingly claim 1 is distinct over Whitesage, since Whitesage does not disclose every element of claim 1 arranged as in the claim.

Dependent claims 2-6, 8-9, 12-14 are allowable with claim 1, at least for the reasons discussed in claim 1. Further, these claims add additional distinct features. For example, claim 4 recites that at least one of the columns represents fare combinability restrictions. Whitesage does not show this feature. The examiner considers that Whitesage discloses fare combinability restrictions by "QE7P25." However, again as in Tanner, this is booking code data, not "fare combinability restrictions."

Claim 5 recites that the fare evaluation result table has the fare rules organized into categories of fare rules and the fare evaluation result table depicts whether or not the categories have a status of pass, fail, or defer for the fares. Whitesage does not disclose these features. The examiner indicates that Whitesage discloses these features by display or non-display of the categories. However, the claim recites that the table depicts evaluated statuses of rules applied to the fares, not simply to hide those fares that do not pass. Given that Whitesage does not display rule summaries, it follows that Whitesage also does not display statuses. Furthermore, the examiner's premise is also incorrect, since the claim positively requires display of the rule

statuses of "pass," "fail," or "defer." Non-display, as argued by the examiner, simply does not meet the claim limitations.

Claims 6 and 7, which require unique visual indications to display whether the rules pass, fail, or defer, are not suggested by Whitesage. The examiner relies on Fig. 7A-7B, pointing out "flight number." However, flight number is not a unique visual indication to represent pass, fail, or defer status.

Similarly, claim 8 "the fare evaluation result table depicts the status of the summary" claim 9 "the status of the summary is whether the status is complete, likely complete, partially complete, or missing information" and claim 10 "the status of the summary is represented by a unique visual indication" are not suggested by Whitesage.

As for claims 15-17 and 19-20, these are allowable over Whitesage generally for reasons discussed above.

Claims 7, 10-11, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitesage or Tanner in view of Kirk, U.S. Patent 5,768,578.

As for claims 7, 10-11, 18 and 21 these claims are allowable over this combination of references, at least because the base references neither describe nor suggest the invention defined by the base claims.

Applicant has added new claims 22-27 which depend directly from claim 19 and are allowable at least for analogous reasons discussed above.

Applicant has also added new claims 28-35. Claim 28 is directed to a method for providing a fare rule summary tool as a user interface for display on a monitor and is allowable for reasons analogous to those set forth above for claim 1. Dependent claims 29- 35 depend directly or indirectly from claim 34 and are allowable with claim 34 and for reasons discussed in analogous ones of the dependent claims.

Applicant has also added new claims 36-39. Claim 36 is directed to a computer program product for producing a concise summary of fare rules, and is allowable for reasons analogous to those set forth above for claim 1. Dependent claims 37- 39 depend directly or indirectly from

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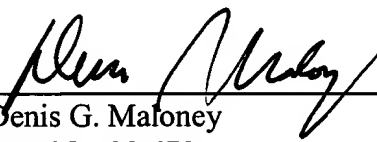
claim 36 and are allowable with claim 36 and for reasons discussed in analogous ones of the dependent claims.

Enclosed is a **\$1300** check for excess claim fees and a **\$1020** check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

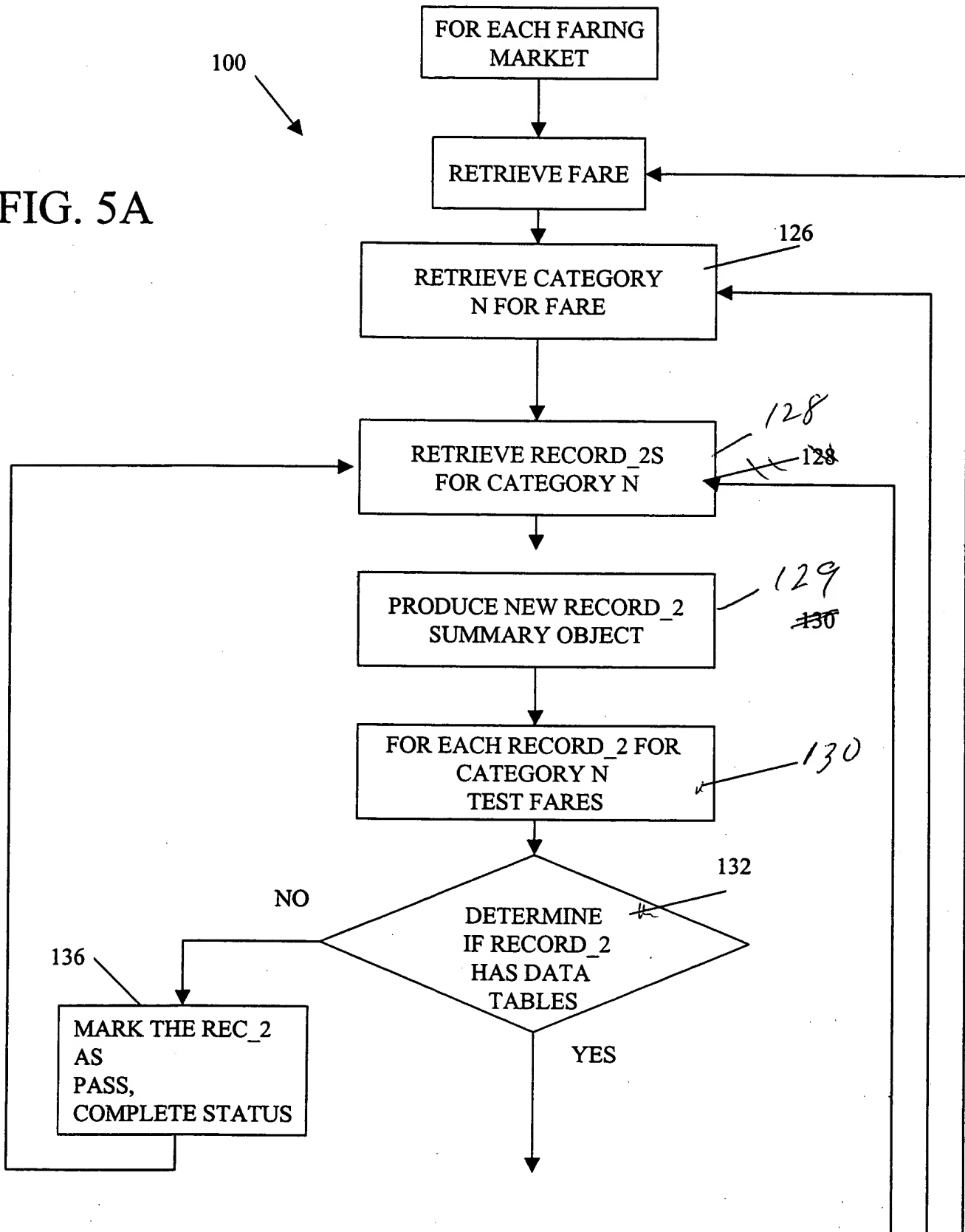
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FIG. 5A



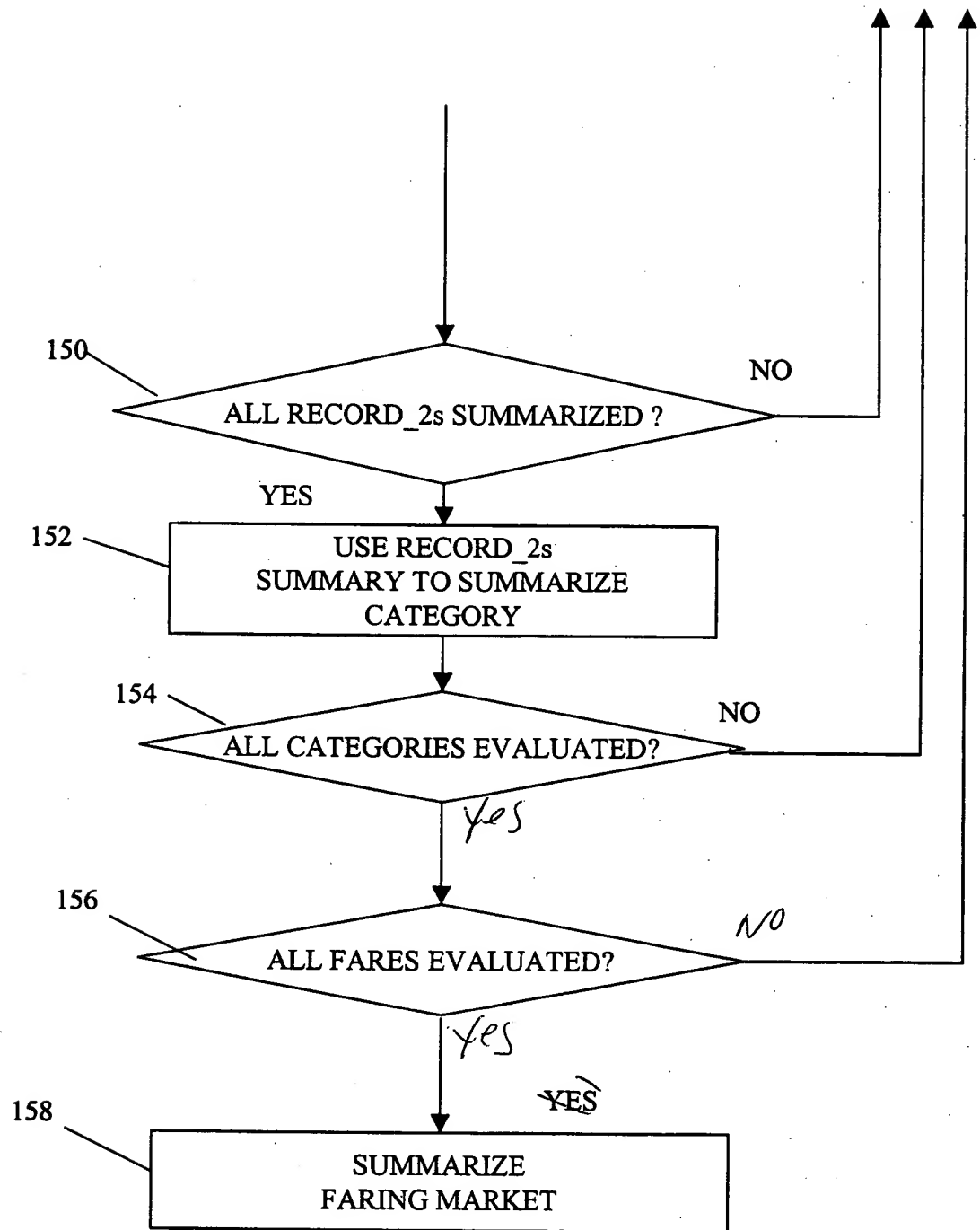


FIG. 5C